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10/776,576	02/11/2004	Krzysztof Sowinski	760-102 DIV	2790
23869 7590 01/12/2009 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
BUTLER, PATRICK NEAL				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Amendment***

The proposed amendments filed 30 December 2008 raise new issues that would require further consideration and/or search: properties of the ePTFE tubular structure with reoriented fibrils relative to said expanded polytetrafluoroethylene tubes.

Specifically, as indicated in the Claim Rejections – 35 USC § 112 section of the Office Action mailed 15 October 2008:

For purposes of examination, the Examiner assumes that the properties are increased in the final tubular structure from the properties of original tubular structure.

Thus, the newly claimed property comparison between final and intermediate structures differs from the previous comparison between final and initial structures.

Moreover, the proposed amendments are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal since proposed amendments do not resolve the 35 USC 112, second paragraph, rejection.

***Response to Arguments***

Applicant's arguments filed 30 December 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to the 35 USC § 112, first and second paragraph, rejections. Applicant's arguments appear to be on the grounds that:

- 1) The 35 USC 112 rejections are obviated by amendments made.

Applicant argues with respect to the 35 USC § 102(b) rejection. Applicant's arguments appear to be on the grounds that:

2) The longitudinal stretching of House contradicts the required longitudinal foreshortening of the claimed invention.

3) There is no clear radial expansion of the ePTFE tube by House. Asserting that the tube must expand to avoid wrinkles in the tube is incorrect since House acknowledges that longitudinal compression may result in wrinkles.

The Applicant's arguments are addressed as follows:

1) The Arguments pertain to the claims as amended: the new issues. The Examiner's response to the previously rejected claims may be found in the final rejection mailed 15 October 2008.

2) House teaches longitudinal foreshortening by teaching compressing, in a direction parallel to but opposite to the direction in which it was originally expanded by stretching, over a mandrel, which would necessarily cause longitudinal foreshortening and radial expansion (see col. 3, lines 24-29 and col. 6, lines 47-53).

3) House teaches biaxially stretching the tube (col. 2, line 61 through col. 3, line 12), which necessarily includes radial expansion.

3) Moreover, House's teaching of longitudinal compressing would necessarily cause radial expansion given the interior mandrel (see col. 6, lines 47-53), and House teaches a lack of wrinkling or crimping in some examples (see col. 3, lines 24-29).

3) Moreover, the radial expansion portion of the claim does not exclude radial expansion due to compression. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., radial expansion not resulting from compression) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3) Moreover, even wrinkling in House's teaching of longitudinal compressing (see col. 3, lines 24-29) would provide for an increase in the average radius of the tube, which would be radial expansion.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-8517. The examiner can normally be reached on Mon.-Thu. 7:30 a.m.-5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/P. B./  
Examiner, Art Unit 1791

/Christina Johnson/  
Supervisory Patent Examiner, Art Unit 1791